

## **REMARKS**

### **I. Status of the Claims**

Claims were pending in this case. Claims 34, 43, 47-48, 52, 63, 81, 84, and 86 are withdrawn as directed to a non-elected invention. Claims 3, 35, 44, 64-69, 72-80, 82, and 85 have been canceled without prejudice. Applicant reserves the right to pursue the subject matter of these claims in a continuing application.

Claims 1, 2, 4-27, 70, and 83 have been amended herein. Support for the claim amendments can be found in the original claims and throughout the application as filed, and/or include corrections to obvious typographical errors. Accordingly, no new matter has been added by way of the instant amendments.

Upon entry of the instant amendment, claims 1-2, 4-33, 36-42, 45-46, 49-51, 53-55, 60-62, 70-71, 83, and 87-88 will be pending and under examination in this application.

### **II. Additional Remarks**

This paper is being filed in response to the Notice of Non-Compliant Amendment mailed on October 2, 2008, which states that the amendment to the claims filed on June 16, 2008 failed to comply with the requirements of 37 CFR §1.121(c) because changes in the text of amended claim 1 were not completely marked with respect to the text of previously entered claim 1, as presented in the amendment filed on August 24, 2007.

This paper provides a replacement claim listing in compliance with 37 CFR §1.121(c) to replace the claim listing filed on June 16, 2008.

The replacement claim listing presented herein correctly marks the changes to the text of claim 1, and all other claims, as compared to the text of the claims presented on August 24, 2007 and previously entered. More specifically, the replacement claim

listing submitted herewith correctly marks the deletion of the phrase “wherein the cells are” from claim 1.

The amendments to the claims presented herein are either the same as the amendments to the claims presented on June 16, 2008, or represent additional non-substantive amendments made to correct grammar and/or punctuation.

Applicant’s remarks regarding priority, objections to the claims, double-patenting rejections, and rejections of the claims under 35 U.S.C. §§ 112, 102(b), and 103(a), can be found in the Amendment filed previously on June 16, 2008.

**CONCLUSION**

Upon entry of the instant amendments to the claims, claims 1-2, 4-33, 36-42, 45-46, 49-51, 53-55, 60-62, 70-71, 83, and 87-88 will be pending and under examination in this application. Applicant avers that the claims are in condition for allowance and respectfully requests that a Notice of Allowance be issued.

This paper is being filed in response to the Notice of Non-Compliant Amendment mailed on October 2, 2008, which set a one-month period for reply. Accordingly, this paper is being timely filed and no fee is believed to be due. However, in the event that any unforeseen fees are incurred, the Commissioner is authorized to charge any such fee, or to credit any over paid fees, to Deposit Account No. 08-0219.

If a telephonic interview would advance prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

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